

REMARKS

In response to the Species Election, Applicants respectfully elect with traverse, ADP ribosylating exotoxin as the adjuvant and bacterium as the source of the antigen. Currently claims 2-5, 19, 31, 32, 51-53, and 56, directed to any adjuvant and any antigen, are generic. Claims 6, 7, 11, 13, 16, 46, 48, 49, 50, 54, 55, 57, 58, and 59 read on the elected species.

Applicants respectfully traverse that the specie "heat-labile enterotoxin" should be grouped with the specie "ADP ribosylating exotoxin" because as explained in the specification, on pages 5 (lines 19-23) and 21 (lines 24-26), heat-labile enterotoxins, such as LT, have ADP ribosylating exotoxin activities. Accordingly, heat labile enterotoxin is a ADP ribosylating exotoxin and therefore should not be grouped with ADP ribosylating exotoxin.

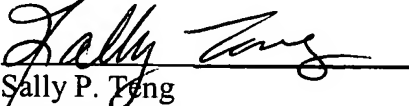
Moreover, Applicants point out that an influenza antigen could be derived from *Haemophilus influenzae* which is a bacterium. Thus, claims 48, 49, 54, and 55 read on the elected species.

Applicants also point out that when a generic claim is found to be allowable, the restriction requirement as to the encompassed species must be withdrawn and the corresponding claims directed to the encompassed species should no longer be withdrawn from consideration.

If there are any additional fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Date: **June 1, 2005**
Morgan, Lewis & Bockius LLP
Customer No. **009629**
1111 Pennsylvania Ave., N.W.
Washington, D.C. 20004
202.739.3000

Respectfully submitted,
Morgan, Lewis & Bockius LLP


Sally P. Teng
Registration No. 45,397